

Amendment and Response

Applicant: Thomas M. Soukup et al.

Serial No.: 10/752,466

Filed: January 6, 2004

Docket No.: H583.104.102

Title: STEERABLE STYLET

REMARKS

The following remarks are made in response to the Non-Final Office Action mailed September 16, 2009. Claim 62 has been cancelled. Claims 60-99 were rejected. With this Response, claims 60-61, 63-65, 71, 74, 76-77, 80-81, 84-86 and 94-95 have been amended. Claims 60-61 and 63-99 remain pending in the application and are presented for reconsideration and allowance.

Claim Objections

The Examiner objected to claims 61, 64, 81 and 84 because of informalities. Applicant has amended claim 61, 64, 81 and 84 to correct these informalities. Applicant believes claim 61, 64, 81 and 84 are now in condition for allowance.

Claim Rejections under 35 U.S.C. § 112

The Examiner rejected claims 60-79, 82, 85, 86, 94, and 96 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention and not having proper antecedent basis. Applicant has accordingly provided appropriate antecedent basis for the rejected claims. In view of this, claims 60-79, 82, 85, 86, 94, and 96 are believed to be in form for allowance. Therefore, Applicant respectfully requests that rejections to these claims under 35 U.S.C. § 112, second paragraph, be reconsidered, and that the rejections be removed and these claims be allowed.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 60-64, 66, 77-84, 86, and 97-99 under 35 U.S.C. § 102(e) as being anticipated by the Cookston et al. U.S. Patent No. 6,132,390. Applicant believes that the amended claims are allowable over the art of record.

Amended claim 60 is a steerable stylet including a stylet wire with a distal region defining a plurality of notches, and a proximal end portion spaced apart from the distal region. The stylet wire has a breaking stress force. A core wire is at least partially disposed within a lumen defined by the stylet wire. A distal end portion of the core wire is secured to the stylet

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wire proximate a distal end portion thereof. An adjustable tensioner mechanism is operably connected between the proximal end portion of the stylet wire and a proximal end portion of the core wire for applying a relative tension force between the stylet wire and the core wire. A *spring is operably arranged between the adjustable tensioner mechanism and the proximal end portion of the core wire* for limiting the tension force applied between the core wire and the stylet wire *without intervention from an operator*. This is not taught or suggested by the art of record.

The Examiner relies on the Cookston reference in rejecting the unamended claim 60. The Cookston reference does not teach or suggest the claims as amended, however. The steerable stylet includes a spring between the adjustable tensioner mechanism and the core wire. As described throughout the specification, and for example on page 5, lines 10-24, the spring limits the tension force and prevents the stylet from failing as a result of excessive force. If an operator applies such force while the stylet is deployed intravascularly, a break can be dangerous. The spring allows an automatic safety mechanism to blunt any excessive force and prevent breakage.

The Cookston reference fails to teach or suggest such a safety mechanism. The smooth bore (258) cited by the Examiner for a tension limiter, is simply coupled with an adjustable screw (256) and slide block (250) that allows an operator access to use an Allen wrench or similar socket head tool in order to make adjustments to overall tension on a wire (18) (see, column 13, lines 26-31). This type of explicit operator intervention is directly contrary to the claim as amended. As such, the claim is not taught or suggested and is allowable over the art of record. Independent claim 80 is similarly amended, and as such, these independent claims and the claims that depend from them are in condition for allowance.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 102(e) rejection to the claims, and requests allowance of these claims.

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Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 65 and 85 under 35 U.S.C. § 103(a) as being unpatentable over the Cookston et al. U.S. Patent No. 6,132,390 in view of the Erickson et al. U.S. Patent No. 5,755,695.

The Examiner rejected claims 67-74, 76, 87-94, and 96 under 35 U.S.C. § 103(a) as being unpatentable over the Cookston et al. U.S. Patent No. 6,132,390 in view of the Rosenman et al. U.S. Patent Application Publication No. 2003/0229386.

The Examiner rejected claims 75 and 95 under 35 U.S.C. § 103(a) as being unpatentable over the Cookston et al. U.S. Patent No. 6,132,390 in view of the Hata et al. U.S. Patent No. 6,611,720.

These claims are all dependent on claims that are allowable as described above. Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection to the claims, and requests allowance of these claims.

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CENTRAL FAX CENTER****DEC 16 2009****CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 60-61 and 63-99 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 60-61 and 63-99 are respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Response should be directed to Paul P. Kempf at Telephone No. (612) 767-2502, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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Date: December 16, 2009

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